

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

MUNCIE NOVELTY COMPANY, INC.,)
vs.)
INTERNATIONAL BINGO SUPPLY,)
L.L.C.)
Defendant.)

1:06-cv-0158-DFH-TAB

Civil Action No. 1:06-cv-0158-DFH-TAB

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

The plaintiff, Muncie Novelty, Inc. ("Muncie Novelty"), for its Complaint for Patent Infringement against the defendant, International Bingo Supply, L.L.C. ("IBS" and/or "Defendant"), alleges and states as follows:

PARTIES, JURISDICTION AND VENUE

1. Muncie Novelty is an Indiana corporation with its principal place of business in Muncie, Indiana.
2. On information and belief, Defendant is an Ohio limited liability company having a place of business in Columbus, Ohio.
3. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271 et. seq. This Court has subject matter jurisdiction over Muncie Novelty's claims pursuant to 28 U.S.C. §§ 1331 and 1338.
4. The Court has personal jurisdiction over Defendant because it conducts business in Indiana.
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

DEFENDANT'S PATENT INFRINGEMENT

6. Muncie Novelty is the owner of United States Patent No. 6,921,071 (the “‘071 patent”), issued on July 26, 2005 and entitled “MULTI-PLAY JAR TICKETS.” The ‘071 patent relates to play pieces, including jar tickets, having multiple play combinations for games of chance.

7. Defendant is in the business of, among other things, selling game pieces, including jar tickets, having multiple play combinations for games of chance.

8. Defendant is infringing the ‘071 patent by importing, making, selling, offering for sale, and/or using multiple-play tickets that are covered by one or more claims of the ‘071 patent, and Defendant will continue to do so unless enjoined by the Court.

9. Upon information and belief, Defendant’s infringement of the ‘071 patent has been willful and in complete disregard of, or with indifference to, Muncie Novelty’s rights and interests.

10. Muncie Novelty has suffered damage as a result of the Defendant’s infringement to date.

11. This is an exceptional case as that term is defined in 35 U.S.C. § 285.

WHEREFORE, Muncie Novelty prays that this Court:

1. Issue an Order directing the Defendant and its officers, agents, servants, employees, distributors and attorneys, and those acting in concert and participation with them who receive actual notice of the order, to destroy all infringing product items and all molds, machines, tooling, or other equipment used in the manufacture of items infringing the ‘071 patent.

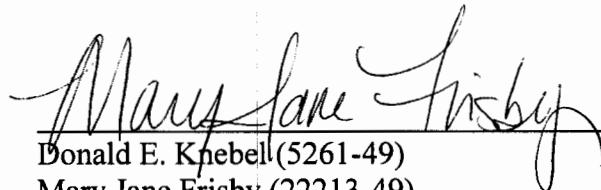
2. Award Muncie Novelty monetary damages adequate to compensate Muncie Novelty for past infringement of the '071 patent consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs and prejudgment interest.

3. Award Muncie Novelty its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

4. Award any and all relief found necessary and proper under these circumstances.

JURY DEMAND

Muncie Novelty demands a trial by jury.



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